

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 14, 1999
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman
Bob Workman

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 7, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Heier seconded approval of the Board of Equalization minutes dated September 7, 1999. On call Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 43 additions and deductions to the tax assessment rolls per Exhibit "A".
(19991770) (19991771)

MOTION: Workman moved and Hudkins seconded approval of the additions and deductions. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **MOTOR VEHICLE TAX EXEMPTIONS:**

BryanLGH Medical Center

MOTION: Steinman moved and Heier seconded approval of a motor vehicle tax exemption for BryanLGH Medical Center subject to the vehicle(s) being titled and registered to the applicant. On call Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **SETTING OF A PUBLIC HEARING FOR NOTICE OF VALUATION CHANGE:**

Setting of public hearings for Tuesday, October 5, 1999 at 2:30 p.m. in the Commissioners Chambers on the first floor of the County-City Building for notice of valuation change for omitted or undervalued property for the following:

Dennis and Malinda Buel (2 notices)
Arlin and Delores Knisely
Laury and Jerry Hostetler

By direction of the Chair, public hearings were set for Tuesday, October 5, 1999 at 2:30 p.m. in the Commissioners Chambers for notice of valuation change for omitted or undervalued property for Dennis and Malinda Buel (2 notices), Arlin and Delores Knisely and Laury and Jerry Hostetler.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR THE FOLLOWING:**

Lloyd Clagett
Lincoln Gun Club
Merle Lipe
Neighborhoods Inc
Lloyd R and Mary J Priess

MOTION: Hudkins moved and Steinman seconded to accept the Assessor's recommendation and set the following values for omitted or undervalued property: \$2,911 for Lloyd Clagett, \$272,336 for Lincoln Gun Club, \$4,969 for Merle Lipe, \$11,000 for Neighborhoods Inc. and \$49,543 for Lloyd R and Mary J Priess. On call Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

6) **REMOVAL OF A 451A TAX EXEMPTION FOR 1999 ON REAL PROPERTY FOR LINCOLN HABITAT FOR HUMANITY:**

The Assessor stated the property was sold in July.

MOTION: Steinman moved and Heier seconded to accept the Assessor's recommendation and remove the 451A tax exemption for 1999 on real property for Lincoln Habitat for Humanity. On call Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

7) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned.

Bruce Medcalf
County Clerk

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Commissioners Present: Kathy Campbell, Chair
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Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
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- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 7, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Heier moved and Workman seconded approval of the Board of Commissioners minutes dated September 7, 1999. On call Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, September 14, 1999.**

MOTION: Workman moved and Hudkins seconded approval of all claims through September 14, 1999. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

A. Introduction of Guests by Kerry Eagan, Chief Administrative Officer.

Kerry Eagan, Chief Administrative Officer, introduced Barbara Boettcher, Executive Director of the Friendship Force of Lincoln. He stated seven individuals in the audience are from Russia and are a part of the Open World Russia Leadership Program.

Boettcher explained that the seven individuals are in the United States under the auspices of the Library of Congress and being hosted in Nebraska between the Omaha and Lincoln Friendship Force to learn more about leadership and entrepreneurship in the United States.

B. The Commissioners Award of Excellence for September, 1999 was presented to Allison Redding, an employee in the Department of Corrections. (19991794)

4) **PUBLIC HEARINGS:**

A. Final tax request for Lancaster County and the Rural Library. (Resolution 99-1764)

The Chair opened the public hearing.

Dave Kroeker, Budget and Fiscal Director, stated the public hearing is required by state statute if the tax dollars differ from the prior fiscal year. He stated this is the first year that the County has had a corrected certified value.

He stated the rate for the County published in the newspaper was .258297 cents per \$100 of value and the corrected rate would be .258364 cents. The rate published for the library budget was .024360 cents per \$100 of value and the corrected rate would be .024399.

MOTION: Steinman moved and Workman seconded to adopt the final tax request for Lancaster County and the Rural Library. On call Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

B. Continuation of a public hearing regarding County Special Permit 169, requested by Diamond Head Development Company, LLC, for a recreational facility (golf course and clubhouse) on property located at Northwest 140th and West Holdrege Streets in Lancaster County, Nebraska. (19991602)

The Chair reconvened the public hearing.

J. Michael Rierden, attorney representing applicant, gave an overview of the following which was contained in documentation distributed relative to the Special Permit (Exhibit 1):

- * Summary regarding environmental conditions on the property
- * Delineation of wetlands
- * Golf courses located west of the downtown area
- * Letters from irrigation, well drilling and engineering companies regarding water
- * Diagram indicating access points to the golf course
- * Amendments to site specific conditions
- * Letter from Richard Hedges
- * A condition which the applicant would agree to regarding three monitoring wells
- * Endorsement from the Nebraska Professional Golfers Association (PGA)
- * Laboratory results regarding salt content
- * Letter from EC Design regarding estimated water consumption evaluation
- * Map and charts from Nickel Engineering

In response to a question asked by Heier regarding tests conducted on an irrigation well in 1990, Rierden responded that the well has never gone dry.

The Clerk administered the oath to Steve Nickel.

Steve Nickel, Nickel Engineering, discussed the geology of the proposed golf course and focused on a map and charts contained in Exhibit 1 which show the following:

- * Regional groundwater flow at 50 foot intervals (map)
- * A chart regarding simplified irrigation well setup at Diamond Head showing that 230 gallons of water per minute are produced from three aquifer zones
- * A chart relative to idealized shape of pressure head drawdown for a confined aquifer
- * A map indicating regional groundwater flow and idealized well equal potential lines

Nickel stated a 72 hour well test was conducted and during that time they were able to pump the well at a constant rate of 230 gallons per minute (gpm). He noted that the water level was also measured 200 feet from the well showing that there was a foot and a half of drawdown.

Nickel said there are three aquifers. Based on pressure drops they determined that approximately ten percent of the yield was coming from the bottom aquifer, 60 percent of the yield came from the middle aquifer and the top aquifer yielded 30 percent.

The registered domestic wells, he said, are probably taking water from the middle aquifer which is 135 feet below ground. Nickel stated after 72 hours the well was shut off and in 12 hours the groundwater had recovered completely. After 24 hours it had increased slightly from the level at which they began.

The salt content was also taken which showed a pre-test level of 22 parts per million with the post-test level at 20 parts per million. Nickel stated that wells in the area which have salt problems are generally at deeper aquifers such as 250 to 270 feet.

Nickel stated they are proposing that the well be monitored with piezometers at a distance of 1600 feet and 200 feet to the north.

In response to a question asked by Heier regarding the irrigation wells, Nickel said it was his understanding that the wells are working and are for agricultural purposes.

The Clerk administered the oath to Bill Love.

Bill Love, golf course architect, stated the golf course would be environmentally oriented. He stated to provide water conservation on the site they would do the following:

- * Reduce the areas that require high maintenance
- * Incorporate native and drought tolerant grasses
- * Irrigate 90 to 100 acres instead of 110 to 130 acres

- * Drainage system will be designed to feed back into the existing channels on the property and back into the irrigation ponds (75 percent of the holes will surface drain or sub-surface drain back into the irrigation pond)
- * Employ water conservation management programming

The Clerk administered the oath to Erik Christiansen.

Erik Christiansen, EC Design, referred to the 30 year historical water consumption evaluation contained in Exhibit 1 and stated there is 10.81 inches of differential per year due to rainfall minus evapotranspiration. He emphasized that some years the differential may be considerably less or more. Christiansen stated the estimated consumption would be 28,608,723.80 annual gallons with high-end consumption at approximately 45,000,000 gallons.

Christiansen also noted they would be employing weather stations and low pressure sprinkler heads.

The Chair asked if anyone else wished to testify in support of the Special Permit.

No one appeared and the Chair asked if anyone wished to testify in opposition.

The Clerk administered the oath to Rhonda Page.

Rhonda Page, 1011 NW 140th Street, testified in opposition and asked what guarantee neighboring property owners would have that the golf course would cease to irrigate if the quality and quantity of their water was adversely effected. She stated she had visited with Sue Franz with the Department of Water Resources who indicated that no permits are presently being approved relative to constructing dams due to the Endangered Species Act.

The Clerk administered the oath to Kevin Lostroh.

Kevin Lostroh, 13651 West Adams, appeared in opposition and stated there is currently a stream flow of approximately 38 gallons of water per minute. He stated if the farmers in the area felt there was enough water to irrigate without harming anyone else they would do so.

Workman asked Lostroh if the water flow was measured.

Lostroh indicated that the Department of Water Resources measured the stream flow in the past week.

The Clerk administered the oath to Melvin Deinert.

Melvin Deinert, 1851 NW 98th Street, appeared in opposition and said on his property there is a livestock well pumping that has 96 feet of pipe in it. He added that the water is salty and is not drinkable.

The Clerk administered the oath to Larry Minzel.

Larry Minzel, 11800 W Holdrege, testified in opposition and stated he uses the stream to water livestock. He noted the stream was producing a flow of 49 gallons a minute in August, however, it is now 31 gallons per minute.

He stated he is also concerned about increased use on their wells when the streams dry up during the summer months.

Minzel submitted photographs into the record of a gravel dam with a pipe under it which he put in and then let it set for three hours (Exhibits 3 through 6). He stated he had the Department of Water Resources measure the stream flow. At one time it was putting out 17 gallons per minute, however, it is now at 11 gallons per minute.

The Clerk administered the oath to Julia Lostroh.

Julia Lostroh, 13651 W Adams, testified in opposition and stated she is concerned about months and months of using the well to irrigate a golf course. She stated she feels the gamble is too great and the stakes are too high and asked that the County Board deny the Special Permit.

Peter Katt, attorney representing Merle Jahde, appeared and stated he has also had conversations with others appearing in opposition. He requested that those individuals stand.

Approximately 20 to 30 individuals stood who oppose the Special Permit.

Katt requested that the hearing be continued because new information was presented to the County Board which does not allow for a response on a completely objective basis. He stated the high tech sprinkler system, only 94 acres to be irrigated, shutting off the water at a certain time are not in the conditions of the Special Permit and would require monitoring and control. Katt stated they have no incentive to monitor and control and the people put at risk are the individuals in the audience.

Katt stated the burden of proof is on the applicant and that he feels the record does not show or establish that they have entitled themselves to the Special Permit.

The Clerk administered the oath to Bob Penner.

Bob Penner 3731 NW 124, appeared in opposition and asked the County Board if they would vote yes if one of three things that an individual needs to live were to be taken away.

The Clerk administered the oath to Richard Halvorsen.

Richard Halvorsen, concerned citizen, appeared in opposition and stated that the burden of proof is on the applicant. He stated that it's his understanding the conditions don't have to be followed if mid-way through the project a new developer is hired.

Mike DeKalb, Planning Department, stated conditions imposed on a Special Permit run with the land and must be followed no matter who the future owners might be.

The Clerk administered the oath to Jo Sterling.

Jo Sterling, 1003 NW 140th Street, appeared in opposition and stated she is concerned that the irrigation well to the north will have a direct effect on her. She stated it is wrong to have a golf course in the middle of a farming community and would take away from the concept of what country living is all about.

The Clerk administered the oath to Edna Whitney.

Edna Whitney, 13310 W Holdrege, testified in opposition and stated she had to have a new well drilled in February of this year. She stated she would like to know if there will be damage to her well in the future if the permit is approved.

In response to a question asked by Heier, Whitney stated she had two well capped; one because it collapsed when it was drilled and the other well went dry.

Heier asked Whitney if she had salt in her water or if the well had gone dry before.

Whitney responded that she had no salt in her water and it had not gone dry prior to the first of the year.

The Clerk administered the oath to Fred Hoppe.

Fred Hoppe, NW 105th, appeared and stated he is not opposed to the project. He asked if the ground were turned back into farm ground and corn was planted if it would use more water or as much water as a golf course. He asked if there would be opposition to drilling a well for a corn crop.

Campbell stated there is an existing well which has been used on occasion to irrigate.

Hoppe stated he recently built a new home and someone complained about his well. When he noticed that a neighboring farmer was running his center pivot about three weeks before it was needed he approached him about it. The farmer's response was that he was checking it over to make sure it was in good operating condition. Hoppe stated he figured the farmer ran about 80,000 gallons of water that night.

In response to a question asked by Hudkins regarding the location of a center pivot and the pumping of 80,000 gallons of water per minute, Hoppe stated it was in Colfax County.

Hudkins commented that 80,000 gallons of water per minutes was good, however, northwestern Lancaster County does not have that kind of water. He noted that most farmers are presently going through adverse financial times and most of them do not operate in the manner described by Hoppe. Hudkins stated most farmers are very responsible users of natural resources; water is the greatest natural resource in Nebraska and is the future of the state and most farmers do not misuse the water applied to their crops.

The Clerk administered the oath to Marty Ivars.

Marty Ivars, 13501 Wind Ridge, stated a year ago he was issued a Special Permit by the County Board. He stated he feels everyone should have that right. Ivars added it was made very clear to him that if he didn't meet the conditions of the permit it could be revoked. He stated he would not oppose the golf course, other than a possible increase in property value.

The Clerk administered the oath to Alvin Klug.

Alvin Klug, 1488 W Holdrege, stated he is 81 years old and has lived by the stream his entire life and has seen it completely dry and at a trickle many times.

He stated there are two tubes which go underneath West Holdrege and come across one of his farms. Last week, Klug said, a stream flow test was conducted; one tube was completely dry and the other produced 15 gallons a minute.

Campbell asked if anyone else wished to testify.

No one appeared.

Campbell submitted the following letters of opposition into the record (Exhibit 2):

- * Wilhelmina Schroeder
- * Todd and Tammy Bohlender

Rierden referred to a letter from the County Attorney's Office dated July 27, 1999 which stated "Where an applicant has complied with all requirements of the special permit process, a denial of a special permit should be based upon a finding that granting the permit would effect the health, safety and welfare of the community." He added the letter also states "If the Planning Commission is presented with evidence that granting the special permit would result in problems to the neighboring water quality and/or quantity they may deny the special permit on those grounds as it relates to the health, safety and welfare of the community." Rierden stated he believes they have satisfied the requirement that there would be no adverse impact upon abutting property owners as far as any utilization of groundwater in the area.

He also noted that most of the individuals who appeared in opposition live to the north and would not be impacted by Diamond Head Ranch.

Nickel addressed Steinman's concerns regarding the damming of the stream by stating that permission from the Department of Water Resources may be obtained for a ten dollar application fee to convey water in a stream. He stated any dam which contains less than 15 acre feet of total storage below the permanent pool elevation is not subject to permit, however, the conveyance permit requires that no more water be used than is pumped. In other words, you have to pass the base flow of the stream through the structure which is what they would be doing. Nickel stated they would not be cutting off the stream flow. He explained that by irrigating the golf course and by having the ponds on the course there would be local recharge which should increase the stream flow and stabilize it so that it probably would not dry up in the future.

In conclusion, Rierden stated he believes they have demonstrated that there will be no adverse impact on the neighboring properties or on the health, safety and welfare of the property owners in the vicinity.

The Chair closed the public hearing.

Workman stated he did some tabulations which don't correspond with data presented by Nickel Engineering. He also stated he received approximately 20 letters in opposition which indicated a definite concern regarding water quality and salt content. Workman stated that after considering all testimony he would be voting against the permit.

Steinman concurred with Workman and indicated she would be voting against the proposal.

Heier stated farmers have the option to shut off irrigation if it's too much for the well. Dryland farming is also an option in this part of the state. He also concurred with Workman's statements and stated he would be voting no.

MOTION: Heier moved and Workman seconded to deny County Special Permit 169, requested by Diamond Head Development Company, LLC. On call Hudkins, Steinman, Workman, Heier and Campbell voted no. Motion carried.

5) **NEW BUSINESS:**

- A. An agreement with Wells Engineers, Inc. for surveying services for bridge and road improvement on Raymond Road at the intersection with Little Salt Creek, beginning on or before October 15, 1999 through April 28, 2000. The County will pay \$2,000 for a preliminary survey, \$6,000 for a hydraulic survey, \$3,000 for roadway design, \$5,000 for bridge design and \$3,000 for wetland delineation and permit. Total cost is \$19,000. (19991767)**

MOTION: Hudkins moved and Heier seconded approval. On call Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

- B. An agreement with Speece-Lewis, Inc. for surveying services on Pioneers Boulevard at its intersection with Beal Slough for bridge and road improvements, beginning October 29, 1999 through February 18, 2000. The County will pay \$21,100 for the surveying services. (19991766)**

MOTION: Steinman moved and Heier seconded approval. On call Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

- C. A contract with Dobson Brothers Construction Company to complete Project Number 00-05-salt dome paving in Sprague, Nebraska, beginning on or about September 13, 1999 and ending ten days after the start date. The County will pay \$51,222.57. (19991779)**

MOTION: Hudkins moved and Workman seconded approval. On call Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

- D. A grant contract giving Berniklau Educational Solutions Team \$62,400 for a Juvenile Diversion Program Day Reporting Center. The term of the contract is September 1, 1999 through August 31, 2000 and is to be paid quarterly. (19991759)**

MOTION: Steinman moved and Workman seconded approval.

Terry Wagner, County Sheriff, asked if the facility would be located at 2600 Saltillo Road.

Campbell stated it is not clear in the contract.

Wagner stated there is currently an alternative school at 2601 Saltillo Road and noted that there is the potential for the Sheriff's Office to be making a number of service calls to the location. He requested that the County Board consider that fact when approving the contract.

Campbell asked if Wagner if he would like the County Board to defer action for one week.

Wagner stated yes.

Both the maker of the motion and the seconder agreed to withdraw the motion.

By direction of the Chair, New Business Item 5D was deferred for one week.

- E. A grant contract with Martin Luther Homes of Nebraska to provide developmental disability services for Lancaster County residents, beginning July 1, 1999 and ending June 30, 2000. The County will pay based upon a percentage of clients Martin Luther Homes serves. (19991773)**

MOTION: Steinman moved and Heier seconded approval. On call Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

- F. An agreement with Gateway Associates (Gateway Mall) that permits the Election Commission to set up a booth on September 24, 1999 from 10 a.m. to 6 p.m. for voter registration. (19991741)**

MOTION: Workman moved and Steinman seconded approval. On call Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

- G. A resolution directing the County Engineer to conduct a study regarding the vacation of a portion of County road located on Hackberry Lane in Hillcrest Heights between Anthony Lane and East Hillcrest Drive in Lancaster County, Nebraska. (19991760)**

MOTION: Hudkins moved and Steinman seconded approval of Resolution 99-1760. On call Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

H. A resolution adopting annual salary increases for County Directors and Assistant Directors. (19991775)

MOTION: Steinman moved and Heier seconded approval of Resolution 99-1775. On call Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

I. A resolution authorizing the installation a "School Bus Stop Ahead" sign north of the Steve Hettenbaugh residence located at 7909 South 162nd Street for southbound traffic. (19991776)

MOTION: Heier moved and Steinman seconded approval of Resolution 99-1776. On call Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

J. Recommendation from the Purchasing Agent and the County Engineer to award a bid to the lowest responsible, responsive bidder meeting the specifications which is: Van Diest Supply Company, in the amount of \$10,622.40, for Dow Elanco "Pathway" brush killer. (19991772)

MOTION: Hudkins moved and Steinman seconded approval. On call Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

K. Subordination of two loans to Donna McCoy doing business as Banner House Fabrics, in the amount of \$5,000, to the Farmers and Merchants Bank of Panama, Nebraska. (19991768)

Dave Johnson, Deputy County Attorney, stated the loan is for additional inventory. Johnson said McCoy had indicated to him that she didn't realize the amount of inventory it would take to get the business started. She also indicated to Johnson that she is conducting free clinics relative to quilting to obtain more exposure.

Troy Gagner, Urban Development, indicated that McCoy has done a mailing to approximately 600 repeat use customers regarding her one year anniversary. He explained McCoy has been working with the Rural Enterprise Assistance Program (REAP) representative who has been assisting her with marketing and inventory.

Gagner also noted that McCoy has been on time with her payments.

Heier stated it is a concern to him that the County is involved in the loan business. He said if the County is going to be involved in the loan business they should have people in the lending business advising them and there should also be expertise available for the individuals applying for the loan. Heier added he wasn't against the loan, however, he is against the way it is done.

Gagner concurred.

In response to a question asked by Workman, Johnson explained McCoy has received two loans from the County with the last loan being second in time to the bank's loan. He said the bank will receive their \$5,000 before the County receives any money for its loans.

Johnson suggested that the County monitor whether a loan is a first loan or a second loan.

Gagner stated the second loan was for \$2,000 through the REAP program.

In response to a question asked by Heier, Gagner stated the County's total loan is \$30,000.

Hudkins stated he is concerned about subordinating the County's position on the first loan.

He also stated he would like to see an overall picture presented at a staff meeting regarding the loan and total assets to total liabilities.

By direction of the Chair, New Business Item K was deferred for two weeks to Tuesday, October 5, 1999.

(Hudkins and Workman exited the chambers to attend a meeting.)

L. Review of reorganization plan in the bankruptcy proceeding of APS Holding Corporation. County is owed taxes on property for the years 1997 and 1998. (19991774)

Doug Cyr, Deputy County Attorney, explained that APS Holding Corporation is the parent company for Big A Auto Parts. He stated they have a plan of reorganization which will provide for full payment of the secured pre-petition claims which would be one of the County's tax years for real estate taxes and they also provide for payment in full of the priority administrative tax claims which is the second year.

MOTION: Steinman moved and Heier seconded approval. On call Steinman, Heier and Campbell voted aye. Hudkins and Workman were absent from voting. Motion carried.

M. A disbursement from the Lancaster County Leasing Corporation Renewal and Replacement Fund to ASI Sign Systems, in the amount of \$12,926.85, for signage at Lancaster Manor. (19991781)

MOTION: Heier moved and Steinman seconded approval. On call Campbell, Steinman and Heier voted aye. Workman and Hudkins were absent from voting. Motion carried.

N. A request from Sharon and Dave Zeilinger for a refund of real estate taxes for 1997, in the approximate amount of \$332.55 and for 1998, in the approximate amount of \$276.45. (19991683)

MOTION: Steinman moved and Heier seconded approval. On call Steinman, Heier and Campbell voted aye. Hudkins and Workman were absent from voting. Motion carried.

O. Notice of termination of a contract with NCS HealthCare for providing pharmacy related services to Lancaster Manor. (19991826)

MOTION: Steinman moved and Heier seconded approval. On call Steinman, Campbell and Heier voted aye. Workman and Hudkins were absent from voting. Motion carried.

P. Award of a proposal from PharMerica to provide pharmacy related services to Lancaster Manor. (19991825)

MOTION: Steinman moved and Heier seconded approval. On call Heier, Campbell and Steinman voted aye. Hudkins and Workman were absent from voting. Motion carried.

6) EXECUTIVE SESSION REGARDING PENDING LITIGATION:

Present: Kathy Campbell, Bernie Heier and Linda Steinman sitting as the Board of Commissioners, Sue Eckley, Risk Manager and Doug Cyr, Deputy County Attorney.

MOTION: At 4:35 p.m. Heier moved and Steinman seconded to enter into Executive Session for pending litigation. On call Campbell, Steinman and Heier voted aye. Workman and Hudkins were absent from voting. Motion carried.

MOTION: At 4:45 p.m. Steinman moved and Heier seconded to exit Executive Session. On call Heier, Steinman and Campbell voted aye. Hudkins and Workman were absent from voting. Motion carried.

7) ADJOURNMENT:

MOTION: Steinman moved and Heier seconded adjournment of the Board of Commissioners meeting. On call Steinman, Heier and Campbell voted aye. Workman and Hudkins were absent from voting. Motion carried.

Bruce Medcalf
County Clerk